REMARKS

The claims remaining in the present application are Claims 1-20. Claims 1, 8, 9 and 14 have been amended. No new matter has been added. For example, Figure 1 of the instant application serial no. 10/685,990 depicts a test master computer system 110 that is physically separate and communicatively coupled to a common information point 115. In another example, the last paragraph on page 13 states, "Test environment 100 further comprises a common information point 115. Common information point 115 is a computer usable storage media, which may reside within test manager 110. Alternatively, common information point 115 may be a portion of a separate computer system..."

INTERVIEW

On November 3, 2006, Applicants' representative conducted an interview with Examiner Lau to discuss the Appeal Brief mailed October 2, 2006.

CLAIM REJECTIONS
35 U.S.C. §102

Claims 1-7 and 14-20

In paragraph 1a on page 2 of the Office Action, Claims 1-7 and 14-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent no. 6,317,845 by Meyer et al. (referred to hereinafter as "Meyer"). This rejection is respectfully traversed.

Currently amended independent Claim 1 recites,

A computer implemented method of automatic software testing comprising:
    storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system;
    automatically reinstalling an operating system on said test system;
    querying said common information point to determine said status information; and
    resuming said software test.

At Col. 2 lines 25-28 of the background section, Meyer states that the problem with prior art disaster recovery is that the bootable floppy disks used for disaster recovery have relatively low capacity. Meyer also states at Col. 2 lines 12-16 that another problem with conventional disaster recovery is that users are required to remember additional commands and that there is limited documentation and on-line help.

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Meyer solves the problem of a bootable floppy disk having limited capacity by teaching a way for a user to restart a computer by <u>manually</u> inserting a removable high capacity disk into the computer. For example, Meyer states in the abstract, "In the event that a user encounters an abnormal operating condition, the user inserts the removable high capacity disk into the computer and restarts the computer." Some other places where Meyer teaches a user manually restarting a computer by inserting a removable high capacity disk are Figure 2 step 104, Col. 3 lines 23-24, Col. 10 lines 60-61, and Col. 12 lines 22-32.

Meyer solves the problem of requiring users to remember additional commands and limited documentation and on-line help by incorporating a general user interface on his removable high capacity disk that guides the user through the recovery process. For example, at Col. 13 lines 8-11, Meyer states, "Referring back to FIG. 2, once the GUI is launched the user is prompted to proceed with the recovery process at step 108. ... The user is prompted to run simple, easy to-use restore and rescue applications within the operating environment of the graphical user interface." Some other portions where Meyer teaches the GUI are Figure 2 steps 108 and 112, Col. 12 lines 57-58, and Col. 13 lines 37-39.

Meyer does not teach or suggest, "storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system," as recited by Claim 1. Meyer teaches "recovery" not "testing." Meyer does not teach anything about "status information of a software test running on a test system" let alone using a "common information point." Since Meyer teaches recovery instead of "testing," Meyer would have no need for teaching a "common information point."

The Office Action asserts that Meyer teaches "storing status information of a software test running on a test system to a common information point" in the abstract. Appellant is uncertain what in Meyer's abstract the Office Action is referring to. For the sake of argument, Appellant shall assume that the Office Action is referring to the abstract's statement, "The removable high capacity disk also includes a suite of software recovery software which attempt to ascertain and correct the cause of the abnormal operating condition to return the computer system to a normal operating

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condition." However, this portion of the abstract does not teach "storing," "a software test," or "a common information point," let alone teach or suggest "storing status information of a software test running on a test system to a common information point."

The Office Action also asserted that Meyer teaches "storing status information of a software test running on a test system to a common information point" at unit 108 of FIG. 2. Meyer discusses unit 108 in the second paragraph of Col. 13. However, the second paragraph of Col. 13 in Meyer discusses recovery applications but fails to teach or suggest "software test," "common information point," and "storing" let alone teach or suggest "storing status information of a software test running on a test system to a common information point."

Meyer does not teach or suggest, "automatically reinstalling an operating system on said test system," as recited by Claim 1. In fact, Meyer teaches away from "automatically reinstalling an operating system" (emphasis added) since Meyer requires user involvement in order to "restore" an operating system. As already stated Meyer requires the use of a GUI so that users are not required to remember additional commands and to address the problem of limited documentation and on-line help.

The Office Action asserts that Meyer teaches "automatically reinstalling an operating system on said test system," in the abstract. However, Meyer makes no mention of a test system in the abstract. Further, Meyer requires that a user manually insert a removable high capacity disk into the computer and manually restart the computer. The Office Action also asserts that Meyer teaches "automatically reinstalling an operating system on said test system," with unit 106 depicted in FIG. 2. Meyer discusses unit 106 at Col. 12 lines 20-47. In Col. 12 lines 20-47 Meyer states several times that the user inserts the high capacity disk and the user restarts the computer. Therefore, Meyer does not teach or suggest "automatically reinstalling an operating system on said test system."

Meyer does not teach or suggest, "querying said common information point to determine said status information," as recited by Claim 1. Since Meyer does not teach a "common information point" or "status information" then Meyer cannot teach or suggest "querying said common information point to determine said status information."

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The Office Action asserts that Meyer teaches "querying said common information point to determine said status information" in the abstract and with unit 110 of FIG. 2. However, as already explained herein Meyer fails to teach "a common information point" in the abstract. Meyer discusses step 110 at Col. 13 lines 37-40 which states, "If at step 110 it is determined that the error has been corrected, then at step 112, the user is prompted to restart the computer in the normal manner (i.e., boot from the hard drive)." As can be seen, Col. 13 lines 37-40 say nothing about "querying said common information point to determine said status information." Further, since Meyer fails to teach "storing status information of a software test running on a test system to a common information point" Meyer cannot teach or suggest "querying said common information point to determine said status information."

Further, Meyer does not teach or suggest, "resuming said software test," as recited by Claim 1. Since Meyer does not teach "software test," Meyer cannot teach "resuming said software test." The Office Action asserts that Meyer teaches "resuming said software test," in the abstract and at unit 116 of FIG. 2. However, Meyer does not teach "software test" anywhere let alone teach "resuming said software test."

In the response to arguments section, the Office Action asserts that Meyer discloses "storing...," as recited by Claim 1 in the abstract, Fig. 2, unit 108, and unit 110. The difference between "storing...," as recited by Claim 1 and Meyer's abstract and Meyer's unit 108 have already been discussed herein. The difference between "storing ...," as recited by Claim 1 and Meyer's unit 110 is that Meyer's unit 110 is a decision box for determining whether an error has been corrected rather than "storing ...," as recited by Claim 1.

In the response to arguments section, the Office Action also asserted that Meyers teaches "automatically installing..." at Col. 12 lines 48-62 and Col. 13 lines 8-11. Col. 12 lines 48-62 clearly indicates that a graphical user interface is launched and therefore does not teach "automatically reinstalling an operating system..." (emphasis added) as recited by Claim 1. Col. 13 lines 8-11 state, "Referring back to FIG. 2, once the GUI is launched the user is prompted to proceed with the recovery process at step 108. Alternatively, the recovery process may proceed automatically after the computer is

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booted." However, Col. 13 lines 8-11 does not teach "automatically reinstalling an operating system..." (emphasis added) as recited by Claim 1.

In the response to arguments section, the Office Action also asserted that Meyers teaches "querying...," as recited by Claim 1 in the abstract and at unit 110 of Fig. 2. The difference between "querying...," as recited by Claim 1 and Meyer's abstract and Meyer's unit 110 of Fig. 2 have already been discussed herein.

For the foregoing reasons, independent Claim 1 should be patentable over Meyer in that Meyer is missing essential elements, "storing status information of a software test running on a test system to a common information point; automatically reinstalling an operating system on said test system; querying said common information point to determine said status information; and resuming said software test," and therefore the anticipation rejection of Claim 1 under §102(b) is improper and should be reversed.

Independent Claim 14 recites limitations that are similar to "storing..., automatically reinstalling... querying... resuming...," which are recited by Claim 1. Therefore, independent Claim 14 should be patentable over Meyer for similar reasons that Claim 1 should be patentable over Meyer.

Claims 2-7 depend on Claim 1. Claims 15-20 depend on Claim 14. These dependent claims include all of the limitations of their respective independent claims and include additional limitations. Therefore these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

Claims 8-13

In paragraph 1b on page 6 of the Office Action, Claims 8-13 are rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. patent publication no. 2003/0051186 by Boudnik et al. (referred to hereinafter as "Boudnik"). This rejection is respectfully traversed.

Amended Independent Claim 8 recites,
A computer implemented method of automatic software testing comprising:
    installing test driver software on a plurality of test systems;

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providing a mapping of a plurality of virtual test system names to real
test system names to said test driver software; and
    using a common information point and a test master computer system
to gather test results from said plurality of test systems, wherein said common
information point is physically separate and communicatively coupled to said
test master computer system.

Referring to the middle of paragraph 0029, among other places, Boudnik teaches
the use of a Java virtual machine. Referring to the last half of paragraph 0054, Boudnik
only teaches the use of one virtual machine, a Java virtual machine. Further, in
paragraph 0054 Boudnik teaches locating "an available test system...to execute each of
the test execution requests 116a-116c."

Boudnik does not teach or suggest, "installing test driver software on a
plurality of test systems," as recited by Claim 8. For example, referring to paragraph
0054 Boudnik teaches locating "an available test system ... to execute each of the
test execution requests 116a-116c" and therefore teaches away from "installing test
driver software on a plurality of test systems."

Although Boudnik teaches the use of a Java virtual machine, Boudnik does
not teach "using a common information point and a test master computer system to
gather test results from said plurality of test systems, wherein said common
information point is physically separate and communicatively coupled to said test
master computer system," as recited by Claim 8. Boudnik only teaches the use of
one virtual machine, a Java virtual machine. Further, since Boudnik teaches locating
"an available test system" rather than "installing test driver software...," Boudnik
would have no motivation to teach a "mapping...," as recited by Claim 8. Therefore
Boudnik does not teach "using a common information point and a test master
computer system to gather test results from said plurality of test systems, wherein
said common information point is physically separate and communicatively coupled
to said test master computer system," as recited by Claim 8.

The Office Action asserts that Boudnik teaches "using a common information
point and a test master computer system to gather test results from said plurality of
test systems, wherein said common information point is physically separate and
communicatively coupled to said test master computer system" at FIG. 6, Fig. 5, unit
500, FIG. 8, unit 812. However, FIG. 6 depicts a post mortem object which includes
test suite names 600, work directory name 602, result directory name 604, point of

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execution 606, and system name 608. Among other things, there is nothing in FIG. 6 about virtual test system names. Therefore, FIG. 6 cannot teach or suggest "using a common information point and a test master computer system to gather test results from said plurality of test systems, wherein said common information point is physically separate and communicatively coupled to said test master computer system."

Boudnik's FIG. 5 depicts a test system 114 that includes an agent process and a test harness 502. The agent process 120 communicates with a post mortem object 508 and a system controller 108. However, FIG. 5 depicts nothing about a mapping let alone anything that teaches or suggests "using a common information point and a test master computer system to gather test results from said plurality of test systems, wherein said common information point is physically separate and communicatively coupled to said test master computer system."

Unit 812 of FIG. 8 is discussed in paragraph 0084 of Boudnik. However, there is nothing in paragraph 0084, which discusses operation 812, about "using a common information point and a test master computer system to gather test results from said plurality of test systems, wherein said common information point is physically separate and communicatively coupled to said test master computer system."

In the response to arguments section, the Office Action states, "Boudnik clearly discloses 'providing a mapping of a plurality of virtual system names to real test system names to test driver software' in fig. 4, 5, 6, 8, 9, where Boudnik uses Java (virtual software) to identify (mapping) each objects (fig. 4, unit 906) and each object is link to hardness (real system information) information list on fig. Fig. 5 and 4." As already stated, FIGS. 5, 6, and 8 do not teach or disclose "mapping of a plurality of virtual test system names to real test system names." Paragraph 0065 states concerning FIG. 4 "The test configuration 400 includes a test suite comprising a test list 402 having a plurality of individual tests 404." Therefore FIG. 4 does not teach or suggest "mapping of a plurality of virtual test system names to real test system names." In regards to operation 902, paragraph 0090 of Boudnik states, "In operation 902, the agent process refers to the JavaSpace of the system......JavaSpaces technology provides developers with the ability to create and store objects with persistence, which allows for process integrity." Therefore,

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paragraph 0090 does not teach or suggest "mapping of a plurality of virtual test system names to real test system names" either.

For the foregoing reasons independent Claim 8 should be patentable over Boudnik in that Boudnik is missing essential elements, "installing test driver software on a plurality of test systems; using a common information point and a test master computer system to gather test results from said plurality of test systems, wherein said common information point is physically separate and communicatively coupled to said test master computer system," and therefore the anticipation rejection of independent Claim 8 under §102(a) is improper and should be reversed.

Claims 9-13 depend on Claim 8. These dependent claims include all of the limitations of their respective independent claims and include additional limitations. Therefore these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

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CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-20 overcome the rejections of record. For reasons discussed herein, Applicants respectfully request that Claims 1-20 be considered be the Examiner. Therefore, allowance of Claims 1-20 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
WAGNER, MURABITO & HAO LLP

Dated: _11/22_____, 2006
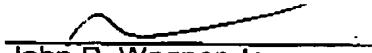
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